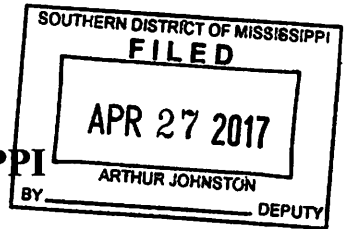


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

VAUGHN PERRET, CHARLES LEARY &  
DANIEL ABEL, D/B/A/ TROUT  
POINT LODGE LTD OF NOVA SCOTIA  
& IN THEIR INDIVIDUAL CAPACITIES  
PROGRESS MEDIA GROUP LIMITED,  
MARILYN SMULDERS & ASHOKA

CIVIL ACTION NO. 1:15cv382-HSO-JCG

**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME TO  
SERVE SUMMONS ON DEFENDANT TROUT POINT LODGE, LTD**

Plaintiff Douglas Handshoe respectfully submits this memorandums in support of his Motion for an extension of time in which to file the summons return for Trout Point Lodge, Limited of Nova Scotia.

**BACKGROUND**

The procedural background in this matter is contained in the order of this Court dated January 20, 2017 (ECF 89) which granted Plaintiff's request to Amend his Complaint for Damages.

By order of the Court dated January 20, 2017 this Court mandated that:

Plaintiff must serve all Defendants who have not appeared in this action with new summonses and his Third Amended Complaint, in the manner required by Federal Rule of Civil Procedure 4, and must file the proper proofs of service with the Clerk of Court, all by April 27, 2017.

Due to the confusion over the styling of this matter the Clerk would not issue a summons to Trout Point Lodge, Limited, which could not have been served timely in accordance with this

Court's order in any event as the entire Trout Point development was closed for the winter season until May 13, 2017.

### **LAW AND ARGUMENT**

Trout Point Lodge is a Canadian Limited company with its registered office at 189 Trout Point Road, East Kemptville, NS B5A 5X9, Canada<sup>1</sup>. At the time the court entered its order allowing Plaintiff to file the Third Amended Complaint, the Lodge, its registered office and its accompanying cabins, which are located on a gated, private road, was closed for the winter season and it remains closed until May 13, 2017.<sup>2</sup> Trout Point Lodge, Limited is a Canadian Limited Company with its registered office in Nova Scotia, Canada thus it is not subject to the time limits for service of a summons contained in Federal Civil Procedure Rule 4(m). However, this Court issued a clear, definitive order mandating the filing of all proofs of service by April 27, 2017. As such Plaintiff respectfully requests an additional six weeks of time to file proof of service for Trout Point Lodge, Limited because the business was closed for the winter season on or about November 1, 2016 and it is not scheduled to reopen until May 13, 2017 making it impossible to serve the Third Amended Complaint upon the company's registered office until that date or shortly thereafter.

In view of the foregoing, Plaintiff prays the Court would grant him a six week extension of time to serve the summons and file the return with this Court.

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<sup>1</sup> There is no postal mail service available for that location

<sup>2</sup> See Exhibit 1 attached to the Motion for Extension of Time.

Respectfully submitted this 27<sup>th</sup> day of April, 2017,


A handwritten signature in black ink, appearing to read 'Douglas Handshoe', is written over a horizontal line.

Douglas Handshoe, Plaintiff  
Post Office Box 788  
110 Hall Street  
Wiggins, MS 39577  
(601) 928-5380  
[earning04@gmail.com](mailto:earning04@gmail.com)

**CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on April 27, 2017, the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

Respectfully submitted this 27<sup>th</sup> day of April, 2017,



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Douglas Handshoe  
Post Office Box 788  
110 Hall Street  
Wiggins, MS 39577  
(601) 928-5380  
[earning04@gmail.com](mailto:earning04@gmail.com)